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9 May 2018

MEMORANDUM FOR Commander (b) (6), (b) (7)(C) USN, 5<sup>th</sup> Battalion Officer, USNA

Via: Lieutenant (b) (6), (b) (7)(C) USN, Assistant Staff Judge Advocate (b) (6), (b) (7)(C) @usna.edu

Subj: Civilian Defense Counsel Notice of Representation of Midshipman 3<sup>rd</sup> Class (b) (6), (b) (7)(C) USN

Ref: (1) Article 46, Uniform Code of Military Justice ("UCMJ")  
(2) R.C.M. 701, 703, Manual for Courts-Martial ("MCM")  
(3) 18 United State Code, Section 3500 ("U.S.C")  
(4) *Brady v. Maryland*, 373 U.S. 83 (1963)

1. Please accept this correspondence as Military Justice Attorneys ("MJA") formal notice of representation as defense counsel in the above-referenced matter.
2. MJA has been retained to represent Midshipman (b) (6), (b) (7) in response to recent legal allegations. Midshipman (b) (6), (b) (7) has been advised not to make any statements if questioned about the allegations and to request his attorney's presence during any future questioning from command and/or law enforcement.
3. MJA respectfully requests that all good faith efforts are made by the trial counsel(s) to provide any and all initial discovery to defense, pursuant to the above references. Within military practice, the norm is for the trial counsel to provide open and continuing discovery, by turning over without a formal request, all discoverable items in the files of not only the trial counsel, but all government actors involved in a particular case. In this case, MJA has not yet been provided any investigation, or investigator notes. After arraignment – if applicable – defense will submit a formal discovery request in accordance with the trial milestones set out and approved by the presiding military judge.
4. Should any discoverable information become known to the government after their response to the initial defense request, MJA requests that we be provided with such information as soon as possible.
5. Please note, that as authorized by R.C.M. 701(b)(1)(B), 701(b)(3) and (4), the defense will not provide certain reciprocal discovery until the government fully complies with its discovery obligation.

Date: May 9, 2018

//s// Joshua Hill

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Military Justice Attorneys

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ENCLOSURE ( A )